

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1 and 5-21 remain in the application. Claims 2-4 were previously canceled.

In the second item under Claim Rejections-35 USC § 103 on page 2 of the above-identified Office Action, claims 1 and 5-21 have been rejected as being anticipated by Knittel (U.S. 6,606,280) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a voice controller for a voice-controlled apparatus having a voice-controlled receiver, having:

a sound source with a transmitter for transmitting sound information being obtained from audio signals of the sound source being mixed together encoded and/or modulated and converted into the sound information;

a sound detector detecting a sound signal containing a voice command, the sound detector having a voice recognizer recognizing the voice command, and the sound detector converting the voice command into a corresponding control signal for the voice-controlled apparatus;

a sound signal processor coupled to the sound detector and the receiver, the sound signal processor correcting the sound signal by eliminating the sound information from the sound signal to produce a corrected sound signal, and supplying the corrected sound signal to the voice recognizer for evaluation;

the sound detector, the receiver, the sound signal processor, and the voice recognizer being disposed in a mobile part provided separately from the voice-controlled apparatus;

the mobile part having a transmitter transmitting the corresponding control signal to the voice-controller receiver; and

the transmitter of the mobile part communicating with the voice-controller receiver by a wireless communication channel.  
(emphasis added)

Knittel discloses a voice-controlled apparatus including a mobile part (remote unit 29) and a stationary part (base unit 31). The base unit is connected to the different devices to be controlled. The remote unit 29 of Knittel includes a microphone and an antenna 33. The antenna 33 serves for transmitting sound signals received by the microphone 45 to the base unit. The base unit includes a device for processing the sound signal received from the remote unit and the sound signals from the devices to be controlled. The base unit further includes speech recognition apparatus.

In contrast to voice-controlled apparatus according to the present claimed invention, Knittel does not disclose a sound source with a transmitter for generating the sound information (generated by the transmitter) from audio signals of the sound source. The audio signals of the system are mixed together, encoded and/or modulated and converted into analog or digital sound information which is transmitted by the transmitter.

The Examiner has recognized the deficiency of Knittel that Knittel does not show or suggest where the sound is encoded

and therefore, is required to rely on Official Notice "that encoding is a technique that is well known and commonly performed in signal processing." The Examiner then goes on to conclude arbitrarily without showing any support in the prior art or even any motivation in the primary Knittel reference that "it would have been obvious to include it in Knittel system for the purpose eliminating redundant information in the sound, thereby address storage limitation of the system during processing." Applicants submit that such a conclusion is erroneous and without any support and that for the Examiner to take Official Notice is respectfully believed to be inappropriate and applicants traverse such reliance.

While encoding per se may be considered well known in the art, the application and use of encoding as set forth in the claims of the instant application is not well known as incorrectly alleged by the Examiner. Claim 1 recites a specific limitation of "**a sound source with a transmitter for transmitting sound information being obtained from audio signals of the sound source being mixed together encoded and/or modulated and converted into the sound information.**" The Examiner's line of reasoning underlying the decision to take Official Notice is not clear and unmistakable as required by MPEP 2144.03 (B). It is inappropriate for the Examiner to recognize a deficiency in the prior art reference of Knittel

and then, because he is unable to find the deficiency as claimed in a secondary reference that is properly combinable with Knittel including a motivation in Knittel for such modification, arbitrarily and wrongly takes Official Notice of the claim limitation.

Knittel does not show or suggest "a sound source with a transmitter for transmitting sound information being obtained from audio signals of the sound source being mixed together encoded and/or modulated and converted into the sound information" as recited in claim 1 of the instant application. Independent claim 11 contains a similar limitation.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination or in view of Official Notice, either show or suggest the features of claim 1 or 11. Claims 1 and 11 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1 or 11.

In view of the foregoing, reconsideration and allowance of claims 1 and 5-21 are solicited.

Appl. No. 09/767,800  
Amdt. Dated June 17, 2005  
Reply to Office Action of March 18, 2005

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

For Applicants

FDP/kf

June 17, 2005

RALPH E. LOCHER  
REG. NO. 41,947

Lerner and Greenberg, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101